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EXAMINER
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ART UNIT:	PAPER NUMBER
2611	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary	Application No.	Applicant(s)
	09/475,449	LYNCH, DAVID JOHSTON
	Examiner	Art Unit	
	Jason J. Chung	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 March 2003* .

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☒ Claim(s) *14 and 15* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 1/25/03 have been fully considered but they are not

persuasive.

On page 5, second paragraph, the applicant argues that, "Casement et al. neither discloses

nor suggests storing override commands after the override is completed as in the present claimed

invention. Thus, unlike the present claimed invention, Casement et al. is unable to recall

completed overrides nor amend the stored override commands to provide new override

commands." On page 5, third paragraph the applicant argues the same concept of storing

completed overrides, saying that Casement does not recite the limitation. The examiner

respectfully disagrees with this assertion. The examiner takes a broader interpretation of the

claimed subject matter than the interpretation of the applicant. In the embodiment of figure 2E,

with every locking of a program, there is an unlocking of the program. As shown in figure 2E,

the program is locked from 2:30 PM to 5:00 PM every day and unlocked from 5:00 PM to 2:30

PM. At 5:00 PM, the program restriction is unlocked (override). The unlocked (override) status

is completed at 2:30 PM the next day when it is stored and recalled at 5:00 PM. Casement

discloses the user may lock time periods to prevent TV viewing during times, the frequency of

locks and the beginning of locks and ending of locks (override when lock ends); the user has set

these values before and the system remembers (stores) the values and displays them when pop-

up 62 is shown (recalled) (column 4, lines 61-67 and column 5, lines 1-5 and figure 2E). The

"unlock (override) at 5:00 PM everyday" also reads on recalling completed overrides.

On page 6, paragraph 3, the applicant argues that, "Casement et al. neither discloses nor suggests storing override commands after the override is completed as in the present claimed invention. Thus, unlike the present ...new override commands". As previously disclosed, the examiner clarified the reference of Casement and points out that Casement does suggest and store override commands after the override is completed.

The examiner maintains the grounds of rejection for all the claimed subject matter.

Claim Objections

2.   The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 10 and 11 been renumbered 14 and 15.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-8, 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Casement.

Regarding claim 1, Casement discloses a television schedule system for controlling access to TV programs (column 2, lines 50-52), which is a video signal processing system for producing an output signal for coupling to a display device. Casement discloses a parental control system (figure 2A), which is a supervisor control system that permits a supervisor to enter ratings (figures 2B, 2D), spending (figure 2H), and/or time limits (figure 2E), which permits the supervisor to change the channel locks as shown at the bottom of each figure, which is the same as temporarily modify the limits by entering an override. In the embodiment of figure 2E, with every locking of a program, there is an unlocking of the program. As shown in figure 2E, the program is locked from 2:30 PM to 5:00 PM every day and unlocked from 5:00 PM to 2:30 PM. At 5:00 PM, the program restriction is unlocked (override). The unlocked (override) status is completed at 2:30 PM the next day when it is stored and recalled at 5:00 PM. Casement discloses the user may lock time periods to prevent TV viewing during times, the frequency of locks and the beginning of locks and ending of locks (override when lock ends); the user has set these values before and the system remembers (stores) the values and displays them when pop-up 62 is shown (recalled) (column 4, lines 61-67 and column 5, lines 1-5 and figure 2E). The "unlock (override) at 5:00 PM everyday" also reads on recalling completed overrides.

Regarding claim 2, Casement discloses a system, which displays channel locks that can be modified (figure 2E) and remembers previous channel locks and displays them when pop-up menu 62 appears (column 4, line 61-column 5, line 5), which is the same as displaying a list of

stored completed overrides that allows the supervisor to create a new temporary override by modification of the selected previously used override.

Regarding claim 3, Casement discloses a system, which displays a list of currently active temporary overrides as shown by the statement "every day" describing the lock status (figure 2E), which includes the corresponding time periods. The limitations on displaying the completed overrides have been covered in claim 2 rejection.

Regarding claim 4, claim 4 is similar to claim 1, the differences being that the claims are worded differently and claim 4 is a system to control viewing or recording of television programs, whereas claim 1 is a video signal processing system for producing an output signal suitable for coupling to a display device. Casement discloses a system with a TVs 30, 34 and VCRs 32, 36 for controlling viewing or recording of television programs.

Regarding claim 6, claim 6 is similar to claim 1, the differences being that the claims are worded differently and claim 6 is a method for blocking viewing or recording of television programs which are outside a range selected by a supervisor, whereas claim 1 is a video signal processing system for producing an output signal suitable for coupling to a display device. Casement discloses a method for blocking viewing of television programs outside of selected ranges by a supervisor (column 1, lines 31-37). Claim 6 also has a limitation claim 1 did not have. Casement discloses the limitation in claim 6 for revised ratings range for one or more channels to be unblocked for one or more specific time periods (figure 2C).

Regarding claim 7, the limitations on claim 7 for displaying a list of active overrides have been covered in claim 3 rejection. The limitations for expired overrides have been covered in claim 2 rejection. Claim 7 is a method, whereas claim 2 and 3 are systems that use the method.

Regarding claim 8, claim 6 is similar to claim 8, the differences being that the claims are worded differently and claim 8 is a microprocessor, which performs the methods of claim 6. The limitation on displaying the expired temporary overrides for reuse has been covered in claim 6 rejection.

Regarding claim 11, Casement discloses previously entered locks appearing when pop-up 62 (figure 2E) is shown (column 4, line 67-column 5, line 5), which is the same as sets of expired overrides displayed when the supervisor responds to on-screen display menu prompts and enters an override routine.

Regarding claim 12, Casement discloses previously entered locks appearing when the pop-up menu 62 appears, which contains active override routines as seen by "every day" describing the lock status (figure 2E) **and** displays them when pop-up 62 is shown (column 4, line 67-column 5, line 5), which is the same as displaying them on a single on-screen display list.

Regarding claim 13, Casement discloses the previously entered locks being displayed on a single screen when the pop-up menu 62 appears (figure 2E). The pop-up menu displays active locks and expired locks as previously covered in claim 3 rejection. All the previously mentioned in this paragraph is the same as the supervisor having the option of automatically sorting the single on-screen display according to status if the lock by time function is selected (column 4, line 67-column 5, line 5). The claim states status **or** date. The examiner has elected to examine status, however, the limitation on expiration time has been covered in claim 5 rejection stated below.

Regarding claim 14, Casement discloses controlling access (limitation (a)) of TV programs (column 2, lines 50-55). In the embodiment of figure 2E, with every locking of a

program, there is an unlocking of the program. As shown in figure 2E, the program is locked

from 2:30 PM to 5:00 PM every day and unlocked from 5:00 PM to 2:30 PM. At 5:00 PM, the

program restriction is unlocked (temporary override, limitation (b)); the override occurs

everyday from the time period of 5:00 PM to 2:30 PM and is therefore temporary. The unlocked

(temporary override, limitation b) status is completed at 2:30 PM the next day when it is stored

and recalled at 5:00 PM. Casement discloses the user may lock time periods to prevent TV

viewing during times, the frequency of locks and the beginning of locks and ending of locks

(override when lock ends); the user has set these values before and the system remembers (stores

override, limitation (c)) the values and displays them when pop-up 62 is shown (override

recalled, limitation (d)) (column 4, lines 61-67 and column 5, lines 1-5 and figure 2E). The

"unlock (override) at 5:00 PM everyday" also reads on recalling (limitation d) completed

overrides.

Regarding claim 15, Casement discloses the restriction signal restricts based on ratings

(figure 2D), cost limits (figures 2F, 2G, 2H), and time limits (figure 2E).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 5, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Casement.

Regarding claim 5, Casement fails to disclose the supervisor naming sets of override parameters and selecting the named expired sets of override parameters. The examiner takes official notice that saving the setup under file names (user named icons or user named files which can be displayed by date) on a computer system is notoriously well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Casement to name the saved expired override parameters in order to organize the expired override parameters according to the date.

Regarding claim 9, Casement fails to disclose the given number of most recently expired sets of temporary overrides are automatically stored. The examiner has taken official notice that auto-save storing parameters is notoriously well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Casement to have a given number of most recently stored overrides automatically stored in order to prevent information loss if the user did not save information and the microprocessor crashes.

Regarding claim 10, Casement fails to disclose the number being ten. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Casement to store ten expired overrides to have multiple recent overrides to choose from and not have a massive amount that would take up a lot of memory.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jason J. Chung whose telephone number is (703) 305-7362. The

examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 872-9314 for regular

communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-4700.

JJC
March 24, 2003

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600